

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF SANFORD MENCHER IN SUPPORT OF COX'S
OPPOSITION TO PLAINTIFFS' FEBRUARY 1, 2019 MOTION TO COMPEL**

I, Sanford Mencher, hereby declare:

1. I am presently employed by Cox Communications, Inc. ("Cox") as Vice President of Finance and Accounting, a position I have held since January, 2013. I make this declaration in support of Defendants' Opposition to Plaintiffs' February 1, 2019 Motion to Compel. Except where otherwise indicated, I have personal knowledge of the facts stated in this declaration, and if called as a witness, could testify competently to the matters contained herein.

2. I understand that the Plaintiffs in this case are seeking documents that are sufficient to show Cox's total and average revenue, from 2011 through the present, from certain Cox subscribers who were the subject of copyright infringement complaints sent on Plaintiffs' behalf during the period from February, 2013 through November, 2014. I understand that there are approximately 58,000 such subscribers.

3. Cox does not track revenue or profits at the subscriber level, and does not generate reports containing such information in the ordinary course of business. I am not aware of any existing reports that would show on a subscriber-by-subscriber basis total or average revenue or

profit attributable to the Cox subscribers who were the subject of Plaintiffs' copyright infringement notices in this case.

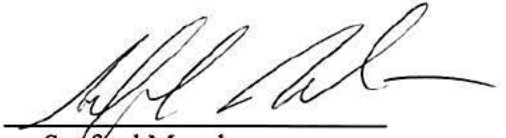
4. I am unaware of any means by which Cox could reasonably calculate historical revenue or profits on a per-subscriber basis for the approximately 58,000 subscribers who were the subject of copyright infringement complaints sent on Plaintiffs' behalf.

5. Cox maintains a database system called the ICOMS system, which stores certain billing information (including historical billing information) for Cox subscribers. The ICOMS system does not maintain or store complete revenue information, and lacks information that is necessary for accurately calculating revenue.

6. I understand that retrieving billing information from ICOMS is a burdensome, labor-intensive process, so that the burden of retrieving billing information for multiple subscribers over a period of time is proportional to the number of subscribers, and the amount of time for which billing records are sought. I understand that Paul Jarchow, Cox's Director of Technology, will also submit a declaration that explains the burden associated with retrieving subscriber billing records from ICOMS.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 6th day of February, 2019 at ATLANTA, GA.



Sanford Mencher